



**United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Fire Management Branch  
National Interagency Fire Center  
3833 South Development Avenue  
Boise, Idaho 83705**



January 22, 2007

To: Regional Director, Region 8, Sacramento, California

From: Chief, Fire Management Branch, Boise, Idaho

Subject: Harris (2007 So. Cal.) Fire Emergency Stabilization Plan Approval

It is obvious that and San Diego NWR and National DOI Burned Area Emergency Response Team worked hard to put this plans together. After reviewing the plan and the additional requested supporting information provided by the refuge the following table summarizes the individual treatment and activity specification approval actions.

TREATMENT SPECIFICATION	APPROVAL ACTION	Fiscal Year			TOTAL
		2008	2009	2010	
1-Plan Preparation	Approved as Proposed	\$24,466			\$24,466
2-Implementation Leader	Not Approved				\$0
3-Invasive Weed Treatment	Approved as Proposed	\$292,729			\$292,729
4-Monitor Critical Habitat Treatments	Funding Reduced	\$22,512	\$22,512		\$45,024
5-Seed Critical Habitat_CGN	Include in BAR Plan				\$0
6-Seeding Critical Habitat_QCB	Include in BAR Plan				\$0
7-Herbicide Treatment	Approved as Proposed	\$12,528			\$12,528
8-Tree Hazard Mitigation	Approved as Proposed	\$2,878			\$2,878
9-Protective Fence	Include in BAR Plan				\$0
10-Remove Interior Fence	Approved as Proposed	\$7,996			\$7,996
11-Replace Boundary Fence	Include in BAR Plan				\$0
12-Replace Boundary/Closures Signs	Include in BAR Plan				\$0
13-Construct Asphalt Water Bar	Approved as Proposed	\$4,000			\$4,000
14-Place Road Drain Outlets	Approved as Proposed	\$3,840			\$3,840
15-Flood Hazard Signs	Approved as Proposed	\$414			\$414
16-Spillway Repair	Approved as Proposed	\$15,812			\$15,812
17-Road Re-contouring	Approved as Proposed	\$1,450			\$1,450
18-Road Maintenance/Debris Removal	Funding Reduced	\$5,540			\$5,540
19-Replace RAWS	Approved as Proposed	\$12,148			\$12,148
20-Replace Suppression Water System	Approved as Proposed	\$55,198			\$55,198
21-Replace Repeater	Approved as Proposed	\$27,593			\$27,593
22-Replace Safety Signs/Guardrails	Approved as Proposed	\$262,618			\$262,618

	<b>TOTAL</b>		\$751,722	\$22,512		\$774,234
--	--------------	--	-----------	----------	--	-----------

Below are explanations for the emergency stabilization funding changes for the affected individual treatment and activity specifications.

**2-Implementation Leader** - Last September's interagency BAER plan review identified excessive Fish and Wildlife Service BAER plan program management costs. This plan proposes funding 28 Project Inspector pay periods (\$103,000) in the Implementation Leader specification. In addition individual treatment and activity specifications identify the following program/project management costs:

- \$ 90,704 - Contracting and Personnel Services Overhead (20% for personnel and contract project costs)
- \$ 6,519 - Contracting Officer
- \$ 7,322 - Contracting Officer's Representative
- \$ 10,476 - Project Inspector
- \$ 3,882 - FWS Engineering Services and Contract Administration

The Wildland Fire Management Program contributes to the Service CAM, and CAM funded service costs should not be included in the plan. Implementation Leader (GS-11 Project Inspector) responsibilities include conducting individual specification project inspections, serving as the Contracting Officer's Representative and doing project level contract administration duplicating activities funded in the individual treatment specifications. The \$118,903 identified in the individual specifications and the Wildland Fire Management Program's contribution to CAM should be sufficient program management funding. Funding for an additional full time implementation leader and 10 percent administrative assistant is not approved.

**4-Monitor Critical Habitat Treatments** - The proposed Quino Checkerspot Butterfly monitoring portion of the specification assesses the response of the butterfly to the habitat treatments not whether the proposed treatments (e.g., invasive species control) were effective (e.g., controlled the invasive species). The Interagency BAER Guidebook section 4.2.7 limits treatment effectiveness to whether a treatment achieved its objective (e.g. log erosion barriers and straw mulching stabilized soils or whether willow and cottonwood trees successfully survived, grew, and stabilize the stream bank) not the effects of the treatment. Since only treatments that have been validated by monitoring data from previous projects, or when there is documented research establishing the effectiveness of such actions are allowable, a positive response by the butterfly to the treatment has already been demonstrated (i.e., the Quino Checkerspot Butterfly Recovery Plan identifies invasive species control as an important recovery strategy) and confirming that response is not necessary. The Quino Checkerspot Butterfly monitoring portion of the specification is not necessary or appropriate for emergency stabilization funding. The approved funding is reduced to \$45,024 to cover the treatment effectiveness of approved treatments.

**5-Seed Critical Habitat\_CGN and 6-Seeding Critical Habitat\_QCB** – In 2004 following the

costly Emergency Rehabilitation Plans of 1999 – 2002, 620 DM 3 separate post-wildfire funding into emergency (emergency stabilization) and non-emergency (burned area rehabilitation) treatments and activities. The old policy allowed for the:

- *Establish or reestablish native species to prevent or minimize the establishment of non-native invasive species, and facilitate long-term ecosystem restoration goals stated in land management plans*
- *Seeding or planting of shrubs, forbs, and grasses to prevent critical habitat for federal listed threatened or endangered species, or other special status species, from being permanently impaired, or to prevent erosion or mass wasting.*
- *Seeding or planting of shrubs, forbs, and grasses to facilitate the natural succession of vegetative communities that were largely composed of native species before the fire, but which would likely be subject to immediate and aggressive invasion of non-native invasive species after the fire.*

The new emergency stabilization standards enacted in 2004 and current today established much stricter emergency standards for seeding:

- *Seeding or planting to prevent permanent impairment of designated Critical Habitat for Federal and State listed, proposed or candidate threatened and endangered species.*
- *Seeding to prevent establishment of invasive plants and direct treatment of invasive plants are habitat restoration.*

The non-emergency seeding aspects of the old policy were moved to burned area rehabilitation: *Repair or improve lands unlikely to recover naturally from wildland fire damage by emulating historical or pre-fire ecosystem structure, function, diversity, and dynamics consistent with existing land management plans.*

The key phrases of the current policy are: *prevent permanent impairment* and *prevent establishment of invasive species*. The supporting documentation provided by the San Diego NWR concerning seeding native species clearly documents that such seeding can restore and rehabilitate non-wildfire degraded habitat. It did not demonstrate that native seeding was significantly better in preventing permanent impairment of designated critical habitat or the establishment of invasive species following a wildfire than natural recovery as required in the September 5, 2007 Emergency Stabilization Cost Containment memorandum. The specifications are appropriate for burned area rehabilitation funding and inclusion in a Burned Area Rehabilitation Plan.

**9-Protective Fence and 11-Replace Boundary Fence** - The Interagency BAER Guidebook section 4.2.6. page 17-18 states that:

- *Protective fencing is allowed using emergency stabilization funding to protect installed treatments and for the health and safety of agency personnel and the public.*
- *The livestock owner has the responsibility to keep livestock out of burned areas. Permittee agreements dictate the responsibility of fencing related to livestock management.*
- *Gates, cattle guards, and fencing that exceed the amount required to protect treatments or values to be protected should be funded with a separate benefiting account. Therefore, emergency stabilization funds are not to be used to fence the private/public land boundary unless state laws are in effect*
- *Boundary fencing, in and of itself, is not allowed for emergency stabilization funding.*

The proposed fencing (essentially 34 miles of new and replacement boundary fences) will cost \$431,984 and protect \$305,257 of invasive species control treatments from illegal OHVs and livestock (livestock owners are responsible for keeping livestock off the burned areas).

The damaged existing boundary fence and loss of natural barriers (thick vegetation) will increase the risk of potential illegal OHV and public access and impact the emergency stabilization treatments (invasive species herbicide control) and other critical values. The plan's cost-risk analysis justified the need for permanent boundary fences because treatment costs exceeded protection costs. It is doubtful whether the potential increase in illegal OHV, livestock and public use will significantly yet alone completely eliminate the value of the treatments. Constructing new permanent boundary fencing is inappropriate for emergency stabilization funding. The existing boundary fence can be repaired or replaced with burned area rehabilitation funding and included in a Burned Area Rehabilitation Plan.

The Interagency BAER Guidebook section 4.2.8 on Public Use Management suggests *temporary fences may be appropriate to close areas where passive management closures have failed*. A temporary fence (e.g., 1-2 strand smooth wire) may be appropriate if shown to be cost effective.

**12-Replace Boundary/Closures Signs** - The Interagency BAER Guidebook section 4.2.6. pages 17-18 states that: *The emergency stabilization of improvements and minor facilities (e.g., **signs**, guardrails, pit toilets, etc.) burned or damaged by wildfire is appropriate **only for public health and safety***. And defines safety signs as *signs necessary to close trails, warn of pending floods, promote public safety, or otherwise assist with emergency stabilization actions (directional, road, danger signs, etc.)*. Specification 12 proposes to replace general management informational signs to enforce area closures to allow for recovery of the area and to protect designated critical habitat not protect public health and safety. It is not appropriate to fund boundary and closed area sign replacement with emergency stabilization funding; however, they are appropriate for burned area rehabilitation funding and inclusion in a Burned Area Rehabilitation plan.

**18-Road Maintenance Debris Removal** - The Interagency BAER Guidebook section 4.2.6. page 16-17 states that: *The responsibility for road repair and maintenance does not change due to wildfires. Identified road system issues and identified repair and maintenance needs are*

*coordinated between all parties involved. Road closure is preferable unless the road is needed to provide immediate access to essential activities (e.g., hospital/post office access, threatened or endangered species management, communication systems). Stabilization of a road includes the minimal work to keep the road passable according to agency standards. Bringing the road to the maintenance standard that existed before the fire is not necessarily covered by the emergency stabilization funds.* Probably the best way to address the Road Maintenance/Debris Removal specification is to provide sufficient emergency stabilization funding for 2 of the 4 expected exceptional flood events (i.e., \$5,540) and provide additional funding through plan amendments when exceptional flood events prevent road passage. Normal road maintenance and debris removal should be funded with non-wildland fire appropriations.

If you have questions or need additional information pertaining to this plan or post-wildfire recovery policy and process, please contact Bill Leenhouts – National Burned Area Emergency Response Coordinator - in this office at 208-387-5584.

Regional Chief, National Wildlife Refuge System  
Project Leader, San Diego National Wildlife Refuge Complex  
Regional Fire Management Coordinator  
National Emergency Stabilization and Burned Area Rehabilitation Coordinator